

**RESPONSE**

**Remarks**

Claims 1-5, 7-13 and 26-27 are pending in the Application. Claims 1 26 and 27 are in independent format.

The Examiner indicated that claims 6-13 included allowable subject matter if these claims were re-written including the corresponding dependencies and the section 101 rejection was overcome. In his Reply to the Applicant's Appeal Brief the Examiner has withdrawn the section 101 rejection he incorrectly imposed and thus, claims 6-13 are immediately allowable.

Independent Claim 1 is the first independent claim. Claim 6 was dependent only on Claim 1. Claim 1 was amended to include all the dependencies of Claim 1 and Claim 6. Thus, amended Claim 1 is now immediately allowable. Original Claim 6 has been canceled.

Claims 2-5 and 7-13 are dependent claims additional features in addition to the features of the combination of original claims 1 and 6.

If amended Claim 1 which includes the combination of original claims 1 and 6 is allowable, adding the additional features of the dependent claims to this combination adds additional features not found in the combination.

The Examiner is reminded that if an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending there from is non-obvious *In re Fine* 837 F.2d 1071 (Fed. Cir. 1988). Thus, the dependent claims are immediately allowable under the holding of *In re Fine*.

Independent Claim 26 includes all the dependencies of original Claims 1, 6 and 7 and is immediately allowable.

Claim 27 includes all the dependencies of original Claims 1, 6, 7 and 13 and is also immediately allowable.

**CONCLUSION**

None of the prior art made of record in the Office Action relied upon or not relied upon by the Examiner is no more pertinent to Applicant's invention than the cited references for the reasons given above. The Applicant therefore submits that all of the claims in their present form are immediately allowable and requests the Examiner withdraw the all the rejections of all the claims and pass all of the pending claims to allowance.

Respectfully submitted.

**Lesavich High-Tech Law Group, PC (32097)**

Dated: September 28, 2009

*Stephen Lesavich*

Stephen Lesavich, PhD  
Reg. No. 43,749